

## Carl Cohen (self-proclaimed Speciesist!)

“The case for the use of animals in biomedical research”

### Two types of grounds used to condemn Animal Experimentation

Using animals as research subjects is wrong because:

1. Violates the rights of animals
2. Wrongly causes suffering to sentient creatures (Singer's view)

Cohen finds both of these grounds as insufficient to support that animals should not be used in biomedical research.

### Violates Animals' rights?

Rights are claims that one party may exercise against another.

“To comprehend any genuine right fully...we must know *who* holds the right, *against whom* it is held, and *to what* it is a right.”

“This much is clear about rights in general: they are in every case claims, or potential claims, within a community of moral agents. Rights arise, and can be intelligibly defended, only among beings who actually do, or can, make moral claims against one another.

Whatever else rights may be, therefore, they are necessarily human; their possessors are persons, human beings.”

### Humans have a moral capability that animals do not possess

“Humans confront choices that are purely moral; humans—but certainly not dogs or mice—lay down moral laws, for others and for themselves. Human beings are self-legislative, morally *auto-nomous*.”

Animals lack this moral capacity (exercising and responding to moral claims), therefore they have no rights.

But does this mean we can do whatever we want to animals?  
No.

### We have obligations towards animals

“In our dealings with animals, as in our dealings with other human beings, we have obligations that do not arise from our claims against us based on rights....”

“Rights and obligations are not reciprocals of one another, and it is a serious mistake to suppose that they are.”

What grounds obligations?

Cohen says this is difficult to answer:

- Some think it arises from the principle of nonmaleficence
- At the very least we have to an obligation to treat animals humanely, i.e., “treat them with the decency and concern that we owe, as sensitive human beings, to other sentient creatures.” (but not to treat them as bearers of rights)

### Cohen responds to possible objections

Brain-Damaged Objection

1. If rights are necessary to make moral claims, then brain-damaged humans do not have rights.
2. It is not the case that brain-damaged humans do not have rights.
3. So, it is not the case that rights are necessary to make moral claims.

Response: “Persons who are unable, because of some disability, to perform the full moral functions natural to human beings are certainly not for that reason ejected from the moral community. The issue is one of kind. Humans are of such a kind that they may be the subject of experiments only with their voluntary consent.... Animals are of such a kind that it is impossible for them, in principle, to give or withhold voluntary consent or to make a moral choice.”

### Cohen responds to possible objections

Animals can also reason objection

Since animals can reason, communicate with one another, and care passionately for their young. These features of moral capacity are not uniquely displayed with humans. Therefore, there is no solid moral distinction between humans and animals.

Response: misses the point

- Patterns of behavior is not the issue, but whether animals are members of a moral community. Animal communities never come close
- Can they grasp ethical arguments?
- Are animals morally responsible for their actions?
- “Does a lion have a right to eat a baby zebra? Does a baby zebra have a right not to be eaten?”

Such questions, mistakenly invoke the concept of “right” inappropriately.

### Announcements

Papers are due Monday after class.

No Class next Wednesday, March 11<sup>th</sup>

Next Friday: Final exam review session (during class time)

Reading:

- Degrazia, *The Ethics of Animal Research: What are the Prospects for Agreement?*, Pgs., 165-173

### In Defense of Speciesism

Singer's argument: it is wrong to experiment (without consent) to sentient creatures because it causes pain, animals are sentient creatures, therefore, it is wrong to experiment on animals.

Cohen: the critic commits two serious errors.

1. The critic assumes that all sentient animals have equal moral standing: e.g., dog and human there is no moral difference. [speciesism]
  - “I am a speciesist. Speciesism is not merely plausible; it is essential for right conduct.... The analogy between speciesism and racism is insidious.”

“If all forms of animate life—or vertebrate animal life?—must be treated equally, and if therefore in evaluating a research program the pains of a rodent count equally with the pains of a human, we are forced to conclude

- (1) that neither humans nor rodents possess rights, or
- (2) that rodents possess all the rights that humans possess.

Both alternatives are absurd. Yet one or the other must be swallowed if the moral equality of all species is to be defended

How could Singer respond?

### 2<sup>nd</sup> error

Utilitarian arguments that say that the consequences of animal pain outweigh (because there is so much of it) the benefits, therefore animal pain/experimentation is wrong.

Cohen's response is that this false.

“The elimination of horrible disease, the increase of longevity, the avoidance of great pain, the saving of lives, and the improvement of the quality of lives (for humans and animals achieved through research using animals is so incalculably great that the argument of these critics, systematically pursued, establishes not their conclusion but its reverse: to refrain from using animals in biomedical research is, on utilitarian grounds, morally wrong.”

### “The Responsible Use of Animals in Biomedical Research”

Edwin Hettinger

### Hettinger's main point

Cohen's arguments defending animal research are not good.

### Cohen's argument about moral capacity

Cohen argues that humans uniquely have a moral capacity that animals lack, and that rights arise from a moral capacity, thus humans have rights and animals do not.

Hettinger's response:

"[Cohen] simply assumes that being a member of a biological species guarantees that one has certain capacities, despite overwhelming evidence that marginal members of a species [e.g., severely retarded humans] often lack capacities normal for that kind of creature. We need a strong argument before we should reject the obvious point that some animals have a greater capacity for moral behavior (however minimal) than do some severely retarded human beings."

Is Hettinger getting Cohen's point right? Isn't Cohen saying that members of a moral community have the capacity to interact morally. The severely retarded human is a member of the community even though s/he may not be able to actively engage in moral discourse.

Hettinger, though not quite responding to the above claim responds to a similar one:

"Cohen might argue that severely retarded humans have the capacity for moral agency despite lacking the ability to realize that capacity. But why should we accept such an attenuated notion of capacity?... I see no reason to accept the notion that there can be unrealizable capacities."

### "unrealized capacities"

What does Hettinger mean here? There are at least two ways to understand "unrealized capacities".

1. One can have an "unrealized capacity" that makes Hettinger does not address. One can have a capacity without "realizing" it. E.g., I have the unrealized capacity to learn Russian. I will probably never learn Russian, but this doesn't mean I don't have the capacity to learn Russian. So, this may be a reason to "accept the notion that there can be unrealizable capacities."
2. "unrealized capacity" may also mean, a capacity that *cannot* be realized (b/c of physical restraints) not that it is not being realized. This is probably what Hettinger has in mind.

### Hettinger's response to Cohen's argument for speciesism

Hettinger thinks that Cohen appeals to "species membership" not individual characteristics that determines whether an individual is a member of a moral community. That is, b/c X is a human being, X is a member of a moral community.

Hettinger thinks this is wrong.

- "opponents of speciesism are not suggesting that we ignore morally relevant differences between members of a different species and treat them all identically, [but] what rejecting speciesism commits one to is being unwilling to use difference in species by itself as a reason for treating individuals differently."
- There are no morally relevant differences between, say, a severely retarded human and a psychologically sophisticated animal.

### Cohen wrongly interprets the utilitarian approach

Cohen rejects the utilitarian position (Singer's) that animals and humans should be given equal moral weight. E.g., the rodent and human argument.

Although Hettinger grants that humans may have more pain [qualitatively] b/c of its psychological sophistication, nonetheless this "does not show that we may morally discount the pain and suffering of animals."

"Cohen has given us no cogent reason for rejecting the view that the like pains of humans and animals must be given equal moral weight. Since the pain of the animals on whom we experiment cannot be discounted, Cohen's utilitarian justification for the biomedical use of animals becomes far more difficult to achieve."